

REMARKS

The invention relates to a process for preparing nondusting free-flowing pigment concentrates with removal of the water from pigment suspensions comprising polymers and dispersants in a fluidized bed drier. The resulting bead-form pigment concentrates are nondusting and readily free-flowing. The invention further provides for the use of pigment concentrates prepared in this way for coloring plastics and polymers.

The Examiner is thanked for the courtesy of an extremely helpful interview, which was conducted on June 29, 2003. The Amendment is directly responsive to that interview.

It is believed that no fee is required for the consideration of this Amendment. If, however, a fee is due, the Assistant Commissioner is authorized to charge such fee, or credit any overpayment to Deposit Account 50-0320.

This Amendment cancels claims 1, 3 and 4 and adds new claims 14 to 17. New claim 14 finds support in former claims 1 and 4 as well as in the paragraph bridging pages 3 and 4 of the specification. As discussed at the interview, it is urged that claim 14 is free of prior art since it excludes the extrusion or grinding or milling steps that are employed to the prior processes found in the art (see pages 1 and 2 of the specification). It is noted with appreciation that the Examiner would give favorable consideration to this claim. Claims 15 to 17 are directed to preferred embodiments. Support for these claims is found in original claims 5 and 6. As the changes to claims 2, 5 to 8 and 10 do not affect the scope of these claims the doctrine of equivalents is not affected.

The amendments to the specification and the remaining claims overcome the various objections to the claims found on pages 2 and 3 of the outstanding Office Action. With respect to

the objection to the drawing, 4 has been identified. Applicants urge that this element is inherent in a fluidized bed drier.

Since claim 14 and those claims directed therefrom recite the elements found in claim 4, the rejections of claims 1 to 3 and 6 to 13 for allegedly being unpatentable under 35 USC §103(a) over U.S. 5,554,271 to Bäbler or over Bäbler in view of U.S. 5,880,193 to Berke *et al.* is moot and should be withdrawn.

Claims 1 to 13 stand rejected under 35 USC §103(a) for allegedly being unpatentable over WO 95/31507 to Wobrink *et al.* (“Wobrink”) in view of Bäbler. In view of the amendments to the claims, reconsideration of this rejection is requested. It is urged that as Wobrink does not suggest the inventive process since this publication discloses a process that requires a milling step in which pigment particles are communited in the presence of an aqueous binder to form a stable paste or suspension. Bäbler does not correct the deficiency since it is directed to a different composition that does not include, for example, a pulverulent carrier.

Wobrink discloses a pigment concentrate which comprises comminuting pigment particles in the presence “of an aqueous binder to form a stable paste or suspension, said paste or suspension formed being subjected to a drying treatment, and the pigment concentrate being collected” (see Abstract). In the paragraph bridging pages 3 and 4, Wobrink indicates “a paste or suspension is stable if a particle size of less than 15 µm is obtained, such a particle size is preferably produced with the use of a beadmill.”

The present invention does not include a step wherein the pigment particles are comminuted or pulverized as required in Wobrink. In the inventive process a pulverizing or grinding step is excluded. Thus, Wobrink teaches away from the present invention. Bäbler does not correct for the deficiencies found in Wobrink since the invention is directed to a different

invention. As acknowledged in the rejections, for example, Bäbler does not disclose or suggest a pulverulent polymer carrier. Hence, the prior publication does not suggest a process for preparing a pigment concentrate which consists of mixing an aqueous pigment presscake, optionally at least one wetting agent, at least one dispersant, and at least one pulverulent polymer carrier, spraying the mixture obtained in a fluidized bedchamber, drying said mixture wherein the water is removed and particles are formed and classifying the particles. Moreover, Bäbler does not suggest a pigment concentrate which contains a polymer carrier. Accordingly, the rejection does not establish a *prima facie* case of obviousness and its withdrawal is requested.

Favorable action is earnestly solicited.

Respectfully submitted,

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